

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

THIS DOCUMENTS RELATES
TO RICE v. ABBOTT LABORATORIES,
formerly No. 3:02-cv-03925 (N.D.Cal.),
THOMPSON v. ABBOTT
LABORATORIES, formerly No. 3:02-cv-
04450 (N.D.Cal.), and TURNER v.
ABBOTT LABORATORIES, formerly No.
3:02-cv-5006 (N.D.Cal.)

MDL NO. 1456

CIVIL ACTION NO. 01-CV-12257-PBS

Judge Patti B. Saris

**DEFENDANT FUJISAWA USA'S MOTION TO DISMISS CERTAIN
COMPLAINTS AGAINST IT FOR FAILURE OF SERVICE**

Defendant Fujisawa USA, Inc. ("Fujisawa"), through undersigned counsel,
respectfully requests that the Court dismiss certain complaints against it pursuant to Fed. R. Civ.
P. 4 and Local Rule 4.1. The cases involved are: *Rice v. Abbott Laboratories, et al.*, *Thompson
v. Abbott Laboratories, et al.*, and *Turner v. Abbott Laboratories, et al.*

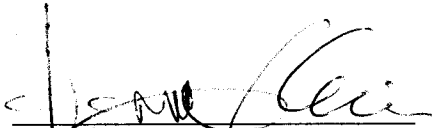
Plaintiffs in those matters have not perfected service on Fujisawa, although the
time within which service was to be completed has long since lapsed. Plaintiffs have filed no
motion for leave for an extension of time to serve, and can show no good cause for failing to
perfect service. The Court should dismiss the complaints identified above based on this failure.

In support of its Motion to Dismiss, Fujisawa relies on the accompanying
Memorandum of Law.

334

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